



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

999 Whipple Road
Tewksbury, MA 01876

Robert Dugan, Chairman
Marc DiFruscia, Clerk
Leonard Dunn
Associate Members:

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES October 24, 2013

The meeting was called to order at 6:30 p.m. by Robert Dugan, Chairman, at the Tewksbury Town Hall Auditorium. Present at the meeting were Marc DiFruscia and Len Dunn. Also in attendance was Melissa Johnson, Recording Secretary.

Approval of Minutes – September 26, 2013 and September 30, 2013

MOTION: Mr. Dunn made the motion to approve the September 26, 2013 meeting minutes as presented; seconded by Mr. DiFruscia and the motion carried 3-0.

MOTION: Mr. Dunn made the motion to approve the September 30, 2013 meeting minutes as presented; seconded by Mr. DiFruscia and the motion carried 3-0.

CONTINUED HEARINGS

GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC d/b/a Shawsheen Place for (a) a determination and confirmation pursuant to 706 CMR 56.05 (11) that the affordability “lock in period” set forth in the Comprehensive Permit issued by the Board on May 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the affordability restriction. Said property is located at **11 Old Boston Road**, Assessor’s Map 48, Lot 33, zoned Multi-Family, Commercial and Village Mixed Use Overlay Districts.

The Board is in receipt of correspondence from Attorney Theodore Regnante stating that they are continuing to have discussions with town officials to try to resolve this matter. The applicant is requesting a continuance to December 19, 2013 at 6:30 p.m.

MOTION: Mr. DiFruscia made the motion to continue **GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC d/b/a Shawsheen Place** for (a) a determination and confirmation pursuant to 706 CMR 56.05 (11) that the affordability “lock in period” set forth in the Comprehensive Permit issued by the Board on May 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the

**affordability restriction. Said property is located at 11 Old Boston Road, Assessor's Map 48, Lot 33, zoned Multi-Family, Commercial and Village Mixed Use Overlay Districts to December 19, 2013 at 6:30 p.m.; seconded by Mr. Dunn and the motion carried 3-0.
DUGAN, DIFRUSCIA, DUNN**

NEW HEARING

Maureen Mack and Ellen Nanni for a variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaw to construct an open deck 16.6 feet set back from the street as shown on plans filed with this Board. Said property is located at **8 Michael Street**, Assessor's Map 60, Lot 121, zoned Residential.

Present was Leo Charlton of 10 Michael Street and Mark and Ellen Nanni of 8 Michael Street. Mr. Charlton noted that he is the neighbor next door and is trying to help the applicants construct a new deck. Mr. Charlton explained that originally there was a 4 foot deck with 6 foot stairs; for a total of 10 feet. The applicant is proposing to turn the deck and change the location of the stairs. The new deck would allow for easier access into the home as the stairs currently go out to the street.

Mr. Dugan noted that the home is only 24 feet from the street. Mr. Charlton confirmed this. Mr. Dugan noted that the existing deck is closer to the street than the new deck and Mr. Charlton confirmed this.

Mr. Dunn asked what the distance from the street will be for the new deck and Mr. Charlton explained 16.6 feet.

Mr. Dugan asked when the home was constructed and it was Mr. Charlton's belief that the home was constructed in the 1980's.

Mr. Dugan opened the hearing to the public and no one came forward.

MOTION: Mr. DiFruscia made the motion to close both parts of the hearing; seconded by Mr. Dunn and the motion carried 3-0.

**MOTION: Mr. Dunn made the motion to issue a variance for Maureen Mack and Ellen Nanni from Section 4130, Appendix B of the Tewksbury Zoning Bylaw to construct an open deck 16. 6 feet set back from the street as shown on plan filed with this Board. Said property is located at 8 Michael Street, Assessor's Map 60, Lot 121, zoned Residential; seconded by Mr. Dunn and the motion carried 3-0.
DUGAN, DIFRUSCIA, DUNN**

Old Business

Mr. DiFruscia asked if any applications have been submitted for the vacant positions on the Board. Mr. Dugan noted that it is his understanding that a couple of applications have been received.

New Business

Mr. Dugan noted that the December meeting will be on December 19, 2013.

Adjournment

MOTION: Mr. DiFruscia made the motion to adjourn; seconded by Mr. Dunn and the motion carried 3-0.

Approved: 1/30/14

NEW HEARING

- 6:30 P.M. Maureen Mack and Ellen Nanni** a variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaw to construct an open deck 16.6 feet set back from the street as shown on plans filed with this Board. Said property is located at **8 Michael Street**, Assessor's Map 60, Lot 121, zoned Residential.
- *Application packet dated 10/4/13.*

CONTINUED HEARING

- 6:30 P.M. GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC, dba Shawsheen Place** for (a) a determination and confirmation pursuant to 760 CMR 56.05(11) that the affordability "lock in period" set forth in the Comprehensive Permit issued by the Board on May 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the affordability restriction. Said property is located at **11 Old Boston Road**, Assessor's Map 48, Lot 33, zoned Multi-Family, Commercial and Village Mixed Use Overlay Districts.
- *Form to Continue Hearing and/or Decision dated 10/22/13 signed by Attorney Regnante requesting to be continued to 12/19/13.*